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FILED
 Clerk
 District Court

AUG 15 2007

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

**IN THE DISTRICT COURT
 FOR THE NORTHERN MARIANA ISLANDS**

QIAN XIAOLI,

Plaintiff,

vs.

GRACE INTERNATIONAL, INC.,

Defendant.

Civ. No. 07-0017

**PLAINTIFF'S RESPONSE TO
 DEFENDANT'S COUNSEL'S
 MOTION TO WITHDRAW**

**Date: September 13, 2007
 Time: 10:00 am**

Plaintiff Qian Xiaoli does not oppose the motion filed by Defendant Grace's attorney, Mr. Smith, for an order permitting him to withdraw as counsel in this matter.

Plaintiff would point out, however, that Grace is apparently planning not simply to change counsel, but to abandon the litigation altogether. No substitute counsel for Mr. Smith is named in the motion, and Grace, as a corporation, cannot represent itself. Moreover, Grace states in its e-mails to Mr. Smith: "[W]e decided not to proceed anymore. We see no benefit to keep this case going on and we have no other choice but let it stop here," and again, "we maintain our original decision, i.e., not to proceed any lawsuit." See Attachments to Mr. Smith's Affidavit.

The case is scheduled for trial in November, and discovery is outstanding. Ms. Qian has propounded interrogatories and document production requests to Grace, with responses due August 31, 2007; and a Rule 30(b)(6) deposition of Grace has been noticed for September 4, 2007. Even if Grace responds to discovery and appears for deposition (which appears unlikely), it will be incapable of dealing with any discovery disputes that may arise, or of responding to any dispositive

1 motions, or of conducting a defense at trial, without counsel.

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3 Plaintiff therefore asks the Court to include, in its Order allowing Mr. Smith leave to
4 withdraw, a provision to the effect that, if no substitute counsel has entered an appearance for Grace
5 by August 30, 2007, Grace's answer will be stricken, and judgment by default entered in favor of
6 Plaintiff.

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8 Respectfully submitted this 15th day of August, 2007.

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10 O'CONNOR BERMAN DOTTS & BANES
11 Attorneys for Plaintiff

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13 By: 
14 Joseph E. Horey

15 3232-01-070815-PL-M to withdraw-RESP.wpd
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